



IN THE MAG DISPATCHES

The Nation-State Law

Undoing the Jewish-Nation State?

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In September and October 2018, the television miniseries *Autonomies* captivated the Israeli political imagination. Billed as a dystopian fantasy, the series is set in the present but depicts an alternative political reality. As explained in the series' opening credit sequence, "Things turned out differently. A civil war tore the State of Israel in two: A secular state whose capital is Tel Aviv and a Haredi autonomy whose capital is Jerusalem." In a subsequent episode, we learn that the regime also includes a Palestinian autonomy. The plot centres on a custody battle that takes place after two babies – one born to secular parents, one born to Haredi parents – are switched at birth. The custody battle escalates into an "international" incident as leaders in Tel Aviv and Jerusalem exploit the legal case to advance their own political agendas. Many melodramatic plot twists ensue.

It may seem imprudent to attach political weight to what is essentially a soap opera. Yet the series' premise is striking in its political prescience. I don't just mean the obvious caution against factionalism and fratricide among Jews. Rather, the show's key insight is embodied in its very title, "*Autonomies*". The notion of "autonomy" has a long and storied past in Jewish history. The renowned historian and political activist Simon Dubnow (1860–1941) built a political program for East European Jews around this very term. As a scholar, Dubnow identified the quest for national autonomy as the motor of Jewish history. The fall of the ancient Hebrew state did not mark the Jews' exit from history and politics, Dubnow claimed, because in every historical period diasporic Jews established institutions of autonomous self-government (such as the medieval *kahal*). Wearing his activist hat, Dubnow demanded national minority rights for Jews living in the multi-ethnic societies of Poland and Eastern Europe.

It's probably safe to assume that the Israeli creators of *Autonomies* didn't intend the series as an homage to Dubnow. Yet they clearly had the term's historic connotations in mind. In the show's alternative reality – and to its Israeli audience – "autonomy" is not an anachronistic relic consigned to the dustbin of Jewish history in 1948. Rather, the series narrates the return of diaspora politics within the land of Israel, after the establishment of the state of Israel. Because – as the popularity of *Autonomies* attests – it is no longer inconceivable, even to Israelis, that their State will someday be replaced by an altogether different set of political arrangements, including elements drawn from the diasporic past.

Not by chance, *Autonomies* aired several months after the passage of the Nation-State Law. At first glance, the law's passage would appear to contradict the political speculations of the series' creators. After all, this measure defines the State of Israel as "the nation-state of the Jewish people, in which it realizes its natural, cultural, religious, and historical right to self-determination". In other words, the law appears to reflect an overwhelming consensus that the nation-state is the obvious – indeed, the ideal – solution to the Jewish Question. Indeed, as a Basic Law with quasi-constitutional status, the law appears to entrench the nation-state as a political template.

But upon closer inspection, the Nation-State Law may actually portend the end of the nation-state phase of Jewish history. Looking back ten years from now, this law may come to symbolise the moment in which the nation-state began to lose its veneer of obviousness, becoming subject to increasing challenge from competing visions for Jewish politics.

To unpack this admittedly counter-intuitive claim, let's recall that, prior to WWII, there were quite a few different forms of Jewish nationalism to choose from. When Herzl's Zionism was first proposed, it was merely one form of Jewish nationalism (alongside movements such as autonomism, territorialism, and diaspora nationalism). Through the 1920s and '30s, for example, Zionists and diaspora nationalists differed on whether it was best to concentrate political energies in Palestine or to fight for autonomous cultural and political institutions in Europe. What bound these different movements together was a consensus that the Jewish people constituted a nation. On that basis, they all advocated for Jewish self-determination, the right to direct their own political lives. At the same time, they argued over how to achieve this common goal. Multiple proposals remained in play up through the 1940s – ranging from a monoethnic nation-state, to a decentralised polity granting local autonomy to Jewish and Palestinian communities, to a regional federation in concert with neighbouring Arab countries.

How did the rise of a Jewish nation-state transform the boundaries of Jewish political debate? After WWII, state-centred forms of politics – i.e., liberal democracy in the Anglo-American diaspora and political Zionism in Israel – emerged as the default political options, given modern Jewish history. In this period, it was commonplace to insist that autonomist visions (in eastern Europe, but also in the land of Israel) had been decisively “refuted by history”. (By “history”, people usually mean the Holocaust.) For many, the nation-state seemed like the obvious – indeed, perhaps the only – solution to the Jewish Question. The boundaries of Jewish political discourse narrowed as terms like autonomy, federalism, and binationalism were struck from the political lexicon.

Jumping forward some 50 years, the Oslo accords seemed to offer a path towards solidifying the permanence of the nation-state. At the heart of the Oslo accords stands the conviction that a state is the best way to honour the right to national self-determination – for all peoples. Granted, the logic of the nation-state is a logic of partition. With all of the problems inherent in this logic, the recourse to partition was motivated by fundamentally democratic convictions – specifically, the desire to create the closest possible correspondence between the state and the nation or demos. To enfranchise minorities, partisans of the nation-state would carve up the world so as to better align the borders of states with the borders of nations. To translate this political vision into the context of the Israeli-Palestinian conflict: Since the occupation violates Palestinian rights to self-determination, and since it contradicts Israel’s self-definition as “Jewish and democratic”, we must establish a sovereign Palestinian state. People have since voiced legitimate complaints against the brand of nation-statehood supported by the Oslo Accords. But, at least on paper, proponents of the Oslo accords did defend both Palestinian rights to national self-determination and the ideals of democracy more broadly conceived.

However the Oslo process is now dead. It is certainly a historical irony that demise of the two-state solution – which promised “two states for two peoples” – has coincided with the passage of a law declaring Israel the nation-state of the Jewish people. Heightening this irony, the law’s proponents are mostly sworn opponents of the two-state solution. Indeed, many of the law’s supporters advocate “one-state solutions” – of the right-wing variety (there is no supporter of the nation-state law who supports bi-nationalism). Which points to a fundamental difference between a nation-state, and the one-state solutions proposed by both the right and the left. The “one state” of the one state solution is either a civil state or an apartheid state. Either way, it is not a nation-state.



Demonstration against the Nation State Law, July 14, 2018. Signs read: “This home is for all of us”, “Jews and Arabs refuse to be enemies”. and “equality” in Hebrew and Arabic.

While the collapse of the Oslo process has myriad causes, I want to focus on one of them: the growing political movement which treats the sanctity of the land of Israel as paramount – more important than democratic self-rule. Self-determination, in the strict sense, means giving the law to oneself. Thus, ideally, a proponent of self-determination should refrain from imposing their own laws upon others. On paper, at least, the two-state solution aimed to facilitate self-determination on both sides of the Green Line. Today, however, we are witnessing the opposite dynamic: the

gap between the state and the nation continues to grow as ever more Israeli Jews prove willing to extend the state's jurisdiction over people excluded from the "nation". To preserve Jewish hegemony in the land of Israel, the right is willing to uncouple the state from the nation.

The Nation-State Law, despite its name, both reflects and potentially exacerbates this divorce between nation and state. First, the law grants Jews exclusive rights to self-determination not just in the "State of Israel", but in the "Land of Israel", an area which extends far beyond the Green Line. Second, the law declares Jewish settlement "a national value" which the state will encourage and promote. Taken together, these clauses arguably provide a legal framework for annexing parts of the West Bank (while denying equal rights to Palestinians). In this sense, the law echoes the positions of the so-called "sovereignty" movement. Members of this movement are prepared to incorporate large Palestinian populations on the condition that Palestinians remain disenfranchised or, at best, second-class citizens.

The gradual uncoupling of the state from the nation is also evident in the Israeli government's increasingly hostile stance toward liberal or left-wing Jews in the diaspora. In the months preceding and immediately following the law's passage, several American Jewish activists were detained at the Israeli border and interrogated about their political views. Peter Beinart's case is perhaps the most prominent example of what appears to be a realignment of the relationship between the state and the nation that it ostensibly represents (i.e., the Jewish people). At a moment when admission to the state's borders is predicated on an ideological test, it is not inconceivable that, one day soon, a radical Jewish activist may be denied citizenship under the Law of Return. The Law of Return promises automatic citizenship to all members of the nation. In the current political climate, however, loyalty to the state increasingly trumps membership in the nation.

For all of these reasons, the law's name is misleading. The law's passage reflects a fundamental realignment of the ideological constellations that have prevailed in Jewish politics since WWII – and may actually signal the beginning of the end of the nation-state phase of Jewish history. As the creators of *Autonomies* have divined, at this point in time, the nation-state looks less like the inevitable culmination of the Jewish political tradition and more like a fleeting episode in Jewish history.

This transitional moment is frightening. In the current global political climate – when blatantly undemocratic regimes are no longer taboo – it seems unlikely that the current regime (Jewish nation-state plus occupation) will be replaced by something more democratic. However, amid the dystopian images that come to my mind when I envision the future, there are also grounds for optimism. If we consider the Nation-State Law as one chapter in a debate, starting in the interwar period, about the best way to achieve Jewish self-rule, the current moment contains a kernel of possibility. For we are witnessing the expansion of the Jewish political imagination (after a prolonged period of contraction).

As the nation-state loses its default status, alternative models of political organisation (such as autonomy, federalism, and bi-nationalism) may return to the Jewish political lexicon. At this fraught moment, we can hope for the revival of an old-new political insight: there is more than one way to realise the right to Jewish self-determination. As old ideological configurations crumble, we may be able

to imagine more just forms of self-determination – forms which are more capacious than the nation-state. The pressing challenge, for those invested in maintaining a collective Jewish identity, is to envision political arrangements that secure rights of self-determination for all of the region's inhabitants, Jews and Palestinians alike.

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